



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE ACADEMY

10 April 2023

MEMORANDUM FOR ALL PERSONNEL

FROM: USAFA/CC

SUBJECT: "Encouraged to Report" Policy for Witnesses of Sexual Assault and Victims or Witnesses of Harassment, Bullying, and Hazing

1. **APPLICABILITY.** This policy applies solely to United States Air Force Academy (USAFA) Cadets.
2. **PURPOSE.** Collateral misconduct is not limited to victims of sexual assault; unfortunately, collateral misconduct serves as a barrier to witnesses of sexual assault as well as victims and witnesses of hazing, bullying, and unlawful harassment. The current Safe to Report Policy, Cadet Standards and Discipline paragraph 2.3.3.2, only applies to victims of sexual assault when their collateral misconduct falls within four categories: alcohol related offenses, unprofessional relationships among cadets, intimate behavior in the cadet area, and cadet area limitation restriction violations. This means any witness or victim of unlawful harassment, hazing, and/or bullying, as well as witnesses of sexual assault, do not fall within the current safe to report policy. There are instances in which Air Officers Commanding at the Air Force Academy are strongly recommended or required to administratively punish collateral misconduct, under the UCMJ or Cadet Discipline System (CDS), regardless of whether a cadet was a victim or witness of unlawful harassment, hazing, and/or bullying, or witness of sexual assault. The purpose of this policy memorandum is to restore discretion to commanders and provide exceptions for punishments or administrative actions otherwise mandatory under AFCWI 51-201 or other policies that may function as a barrier to reporting harassment, bullying, hazing, or sexual assault.
3. **USAFA CW POLICY.** In furtherance of DoD and Air Force policy, commanders will consider each instance of collateral misconduct by a witness of sexual assault, or witness or victim of unlawful harassment, hazing, and bullying on a case-by-case basis. The gravity of any collateral misconduct by a victim or witness and its impact on good order and discipline will be carefully considered in deciding whether it is appropriate to take any administrative or disciplinary action against a victim or witness, and when such action should occur. In exercising this discretion, commanders will also consider whether the collateral misconduct was known prior to the report of sexual assault, harassment, hazing, or bullying, and if not, the likelihood that the misconduct would have otherwise been discovered but for the report of sexual assault, harassment, hazing, or bullying. Commanders should also consider how future reports of sexual assault, harassment, hazing, and bullying may be impacted by the decision to impose discipline. If a commander believes that it would be appropriate to document collateral misconduct in the interest of rehabilitation, commanders should consider actions that minimize or eliminate impacts on the victim's or witness's career.
 - a. With these considerations in mind, collateral misconduct often represents some of the most common barriers to reporting. **Therefore, when witnesses of sexual assault or witnesses and victims of harassment, bullying, or hazing make such instances known to command and where administrative punishment is otherwise prescribed (e.g., initiating disenrollment action, initiating probation, assigning demerits, and/or initiating actions triggered by demerit thresholds), commanders may deviate from such policy or instruction.** Collateral misconduct is defined in accordance with the DAF Safe-to-Report Memo, 25 August 2022. Collateral misconduct also includes but is not limited to the following violations of Air Force Cadet Wing Instruction 36-3501, *Cadet Standards*:

- (1) alcohol use or possession (e.g., underage drinking, possession of alcohol in dorms);
- (2) consensual intimate behavior in the cadet area;
- (3) unprofessional relationships/fraternization among cadets; or
- (4) cadet area limits restrictions (e.g., over the fence violations, failure to sign-out, departing probation sanctioned approved areas, etc.).

b. In all instances involving known reports from witnesses of sexual assault, and witnesses or victims of harassment, bullying, or hazing, in which a disposition of collateral misconduct is made regardless of whether a commander exercises discretion in accordance with this memorandum by deviating from other policy or instruction, the Air Officer Commanding will inform the next superior commander of their decision within seven (7) calendar days. In instances where the collateral misconduct disposition falls within the authority of the group commander, the next superior commander will be the Commandant for purposes of reporting under this policy.

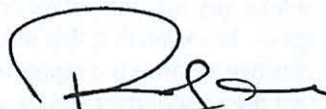
c. Commanders will consult with USAFA/JA prior to taking any action regarding collateral misconduct implicated by this policy.

d. Victims and witnesses concerned about reporting violations of Cadet Standards or the Uniform Code of Military Justice (UCMJ) are encouraged to seek confidential assistance from the Sexual Assault Prevention and Response (SAPR) personnel, Air Force Victims' Counsel (VC), and/or Area Defense Counsel (ADC). Victims and witnesses may also consider seeking assistance from the Equal Opportunity (EO) office. Any victim or witness who believes a personnel action has been taken against them based on their reporting of sexual assault, unlawful harassment, bullying, or hazing, may be protected by the Military Whistleblower Protection Act (10 U.S.C. § 1034) and should contact the USAFA Inspector General Office for further assistance.


4. IMPLEMENTATION. The "Encouraged to Report" policy is effective as of the date of this memorandum. The terms of the policy will be incorporated into the next publication of the Air Force Cadet Wing Instruction 36-3501, *Cadet Standards*.



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